

SUBCHAPTER B—UNITED STATES EMPLOYEES' COMPENSATION ACT

PART I—CLAIMS FOR COMPENSATION AND ADMINISTRATIVE PROCEDURE

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AUTHORITY §§ 11 to 125 issued under sec 32 39 Stat 749 as amended 5 USC 783 1946 Reorg Plan No 2 § 3 3 CFR 1943-1948 Comp p 1064 60 Stat 1095 1950 Reorg Plan No 19 § 1 3 CFR 1949-1953 Comp p 1010 64 Stat 1271 Additional authority is cited in parentheses following the sections affected

§ 11 General provisions, definitions

(a) The administration of the United States Employees' Compensation Act of September 7, 1916 (39 Stat 742, 5 USC 751-793), as amended was vested by

said act in the United States Employees' Compensation Commission but effective July 16 1946 such Commission was abolished and its functions transferred to the Federal Security Agency by section 3 of Reorganization Plan No 2 (3 CFR 1943-1948 Comp, p 1064) Effective July 16 1946 the Federal Security Administrator established the Bureau of Employees' Compensation under the supervision of a Director and delegated to him all the duties, powers, and functions of the former United States Employees Compensation Commission with certain exceptions dealing with budgetary and legislative matters¹ By section 1 of Reorganization Plan No 19 (3 CFR 1949-1953 Comp p 1010 64 Stat 1271) the Bureau together with its compensation functions was transferred to the Department of Labor under the direction and supervision of the Secretary of Labor or his designees in the Department and the functions of the Federal Security Administrator and the Federal Security Agency with respect to the Bureau were transferred to the Secretary of Labor The Bureau of Employees' Compensation is authorized under the compensation act to decide all questions arising under the act The Bureau is authorized under such act upon consideration of a claim presented by a beneficiary and official reports pertaining to injury or death sustained by a civil employee of the United States while in the performance of duty and upon completion of such investigation as it may deem necessary to determine the facts and make an award for or against payment of the compensation provided for in said act The Bureau has power, under the provisions of the said act to issue subpoenas for and compel the attendance of witnesses within a radius of 100 miles to require the production of books papers, documents, and other evidence, to administer oaths and to examine witnesses upon any matter within the jurisdiction of the Bureau

(b) Reorganization Plan No 2 required the Federal Security Administration to provide by regulation for a board

¹Agency Order 58 dated July 16 1946 11 F.R. 7943 July 23 1946

of three persons to be designated or appointed by the Federal Security Administrator with authority to hear and, subject to applicable law make final decision on appeals taken from determinations and awards with respect to claims of employees of the Federal Government or of the District of Columbia and pursuant to Agency order No 58 the Federal Security Administrator established an Employees Compensation Appeals Board to hold hearings and make decisions on appeals taken from such determinations and awards (Parts 501 and 502 of this title) By section 2 of Reorganization Plan No 19 (3 CFR 1949-1953 Comp p 1010 64 Stat 1272) the Board and its functions were transferred to the Department of Labor and the functions of the Federal Security Administrator were transferred to the Department of Labor

(c) All employees of the United States and other persons who may claim or be entitled to claim benefits under the said act and the official superiors of all such persons shall be bound by the regulations in this subchapter and shall conform to the procedure prescribed in said act and in the regulations under this subchapter The term "official superior", as used in this subchapter includes all officers and employees having responsible supervision direction or control of civil employees members of the Officers Reserve Corps and of the Enlisted Reserve Corps of the Army, members of the Naval Reserve or others employed in the service of the Federal Government or the government of the District of Columbia For the purposes of the regulations in this subchapter the term "employee" as used in this subchapter shall include all civil officers and employees of all branches of the Government of the United States (including officers and employees of instrumentalities of the United States wholly owned by the United States) employees of the government of the District of Columbia (except members of the Police and Fire Departments of the District of Columbia) members of the Officers Reserve Corps and of the Enlisted Reserve Corps of the Army officers and enlisted men of the United States Naval Reserve and other persons performing service for the United States within the purview of said act and all acts in amendments substitution or extension thereof

(d) The term "employee" shall also include persons rendering personal serv-

ices of a kind similar to those of civilian officers or employees of the United States to any department independent establishment or agency thereof (including instrumentalities of the United States wholly owned by it) without compensation or for nominal compensation in any case in which acceptance or use of such services is authorized by an act of Congress or in which provision is made by law for payment of the travel or other expenses of such person

(e) All definitions appearing in said act as amended shall be applicable with respect to the regulations promulgated under this subchapter

[13 FR 7668 Dec 10 1948 as amended at 14 FR 7374 Dec 9 1949 25 FR 10793 Nov 15 1960]

§ 12 Notice of injury by employee

(a) Whenever any injury is sustained by an employee of the United States while in the performance of his duty he shall immediately give written notice to his official superior If the injured employee is unable to give such notice, it may be given by someone in his behalf Form CA 1, Notice of Injury is provided by the Bureau for such purpose Unless written notice of injury is given within 48 hours or unless the immediate superior has actual knowledge of the injury compensation may be refused For reasonable cause the Bureau may accept written notice of injury given later than 48 hours but not later than 1 year after the injury (See § 113 for waiver of limitation provision)

(b) Whenever such an injury comes to the knowledge of the injured employee's official superior a record of the cause, nature and extent of the injury shall be made by the official superior, who should call to the attention of the employee the necessity of submitting within 48 hours, or as soon after injury as practicable a notice of the injury on Form CA 1 The official superior shall secure the signed statements of witnesses to the occurrence and shall retain the employee's notice of injury until the injury is reported to the Bureau as required in § 13 [Regulations under the United States Employees Compensation Act June 1 1938]

§ 13 Reports by official superiors of injuries to employees

Every injury which is likely to result in any medical charge against the Compensation Fund or in any disability

for work beyond the day, shift, or turn of the occurrence or which appears likely to require prolonged treatment or to result in future disability or to result in any permanent disability, including the total or partial loss or loss of use of a member of the body or serious disfigurement of the face head or neck shall be reported by the official superior on Form CA-2 Report of Injury, provided by the Bureau for this purpose which shall be transmitted to the Bureau without delay. The employee's original Notice of Injury on Form CA-1 or otherwise, should accompany the Report of Injury together with report of any investigation made and such statements or other data as may properly relate to the circumstances surrounding the injury. If the disability is likely not to exceed 3 days the report may be withheld until the employee has returned to work.

[14 FR 7374 Dec 9 1949]

§ 14 Claim for compensation for disability

(a) Compensation for disability under said act will not be paid unless written claim therefor is made by the employee or by someone in his behalf within the time limit prescribed by the said act. If such claim is not submitted within 60 days after the injury an explanation of the delay must accompany the claim. For any reasonable cause shown the Bureau may allow claims for compensation for disability to be made at any time within 1 year. (For further waiver of limitation provisions see § 113) Form CA-4 is provided by the Bureau for making the original claim. Such claim may be filed by delivering it at the offices of the Bureau, or to any person designated by the Bureau to receive it. The employee's official superior is so designated to receive claims on behalf of the Bureau and the injured employee should submit his claim to his official superior for transmission to the Bureau unless special circumstances require different procedure. Any claim or paper purporting to claim compensation submitted by an employee to his official superior shall be transmitted promptly to the Bureau. Whenever an employee as a result of an injury in the performance of duty is disabled with loss of pay for more than 3 days or sustains permanent disability which involves the total or partial loss or loss of use, of a member of the body, or serious disfigurement

of the face head or neck his official superior, when practicable should furnish to him Form CA-4 for the purpose of claiming compensation and should advise him of his rights under the said act. Form CA-4 should be filed with the Bureau upon termination of disability if the duration of disability should be less than 18 days or at the expiration of 18 days from the date pay stops if disability continues beyond that date. If no claim is filed by an injured employee or by someone on his behalf prior to his death the right to claim compensation for disability ceases and does not survive.

(b) Claims for compensation for permanent disability which involve solely the loss or loss of use of a member of the body should be filed on Form CA-4 and if any compensation has been paid or is payable for a prior injury to the same member the date of such prior injury the amount of such compensation and the source thereof shall be set forth in the said CA-4 and filed in accordance with paragraph (a) of this section.

(c) Claims for serious disfigurement of the face head or neck should be made on Form CA-4 supplemented by Form CA-4B when required. If any compensation has been paid or is payable for any such prior disfigurement the date of such prior injury the amount of compensation and the source thereof shall be stated in the said CA-4 or as supplemented by Form CA-4B.

(Sec 18 39 Stat 746 5 USC 768) [14 FR 7374 Dec 9 1949]

§ 15 Application for augmented compensation for disability

(a) While the disabled employee has one or more dependents as defined in section 6(a) of the Compensation Act his basic compensation for disability shall be augmented as provided in said section. The Bureau may require application for such augmented compensation to be made on Form CA-4A in accordance with § 14. The Bureau may however pending the making of such application on such form, pay compensation under section 6(a) of the act in lieu thereof upon other satisfactory proof.

(b) The disabled employee claiming augmented compensation under this section shall furnish when so required by the Bureau proof of continuing entitlement to augmented compensation as set forth in paragraph (a) of this section.

(c) The disabled employee receiving augmented compensation under this section shall promptly notify the Bureau of the happening of any event which would no longer entitle him to the augmented compensation under the provisions of section 6 (a) (2) (A) (B), (C) and (D) of such act. Any checks or payments received after the occurrence of such event shall be returned promptly to the office from which it was received.

[14 F.R. 7375 Dec 9 1949]

§ 16 Report of termination of disability or return to work

Whenever an injured employee is able to return to work after a period of disability caused by an injury his official superior shall immediately report that fact to the Bureau on Form CA-3 which is provided by the Bureau for this purpose unless such report has been made on Form CA-2, or otherwise. Such report shall show the period of absence from work and shall show specifically the part of such period for which the employee has been or will be paid on account of leave or for any other reason stating the basis of such wage payment. If when disability begins the employee has annual or sick leave to his credit he may use such leave until it is exhausted solely at the discretion of such employee.

[14 F.R. 7375 Dec 9 1949]

§ 17 Recurrence of disability for work

When an injured employee after returning to work is again disabled and stops work as a result of the same injury the official superior shall report the recurrence of disability promptly to the Bureau showing clearly when the employee again stopped work and for what part of the new absence he has been or will be paid on account of leave or for any other reason. If the recurrent disability has ended when the report is made the date and hour of return to duty should be stated. If not an additional report should be made when the employee returns to work or his disability ceases. If the employee has been examined or attended by a physician in connection with such recurrence of disability a medical report, as required by § 210 of this subchapter should accompany the official superior's report of the recurrence unless the physician has made his report to the Bureau.

[Regulations under the United States Employees Compensation Act June 1 1938]

§ 18 Claims for continued compensation for disability

An employee whose injury results in disability with loss of pay continuing beyond the time covered by the original claim on Form CA-4 may claim compensation for further periods of disability on Form CA-8 which is provided by the Bureau for that purpose. Compensation will not be paid unless such claim for further compensation properly executed is received by the Bureau. The certification of the attending physician as to the further disability should be obtained on the form and it should be submitted to the employee's official superior, who shall complete his portion of the certification thereon and forward the claim promptly to the Bureau. Claims on Form CA-8 should be submitted semi-monthly if disability is continuous. However a Form CA-8 should not be submitted for continuing payments payable under a scheduled loss as provided in section 5 of the act. An employee whose disability is such that medical evidence of continuation thereof is not immediately necessary may be provided by the Bureau with Form CA-96 for use in submitting claim for continued compensation in lieu of Form CA-8.

[14 F.R. 7375 Dec 9 1949]

§ 19 Employees' obligation to return to work or to seek work when able

When total disability to perform work ceases and the employee is able to perform a part of his usual duties or to perform work of a different nature he must seek such suitable work as he is able to perform, either in Government or private employment unless it has already been provided for him and shall accept such work or offer of work secured for him. An employee who has not been regularly employed during the period covered by his claim and who is only partially disabled shall state in his claim what efforts he has made to obtain suitable employment giving the names and addresses of persons or concerns to whom he has applied for work. If he has not been offered or has not been able to secure work which he is able to do he shall so state. If a partially disabled employee refuses to seek suitable work or refuses or neglects to work after suitable work is offered to, procured by or secured for him, he shall not be entitled to any compensation.

[14 F.R. 7375 Dec 9 1949]

§ 110 Affidavit or report by employee of employment and earnings

The Bureau may require a partially disabled employee to file a Form CA-96 or to submit an affidavit or other report as to his earnings either from employment or self-employment. If such individual when required fails to submit such form or affidavit or other report or if in such form affidavit or report the employee knowingly omits or understates any part of such earnings or remuneration he shall forfeit his right to compensation with respect to any period for which such report was required to be made, and any compensation already paid may be recovered by deducting the amount thereof from compensation payable to him or otherwise according to law. Earnings from employment referred to in this section or elsewhere in this part means gross earnings or wages before any deductions whatsoever have been taken out of such wages, and include the value of subsistence, quarters, or other advantages received in kind as part of the wage or remuneration.

[14 F.R. 7375 Dec 9, 1949]

§ 111 Claims for balance of schedule due at death from other causes

(a) If an employee files a valid claim for a scheduled loss (permanent disability which involves solely the loss or loss of use of a member) in his lifetime and dies from causes other than the injury before the entire amount due for such schedule is paid, claim for such unpaid balance may be made on Form CA-5A pursuant to § 113 as follows—by the widow, widower or child in the proportions and upon the conditions and in the order named in subsection 5 (d) (1) of the act. If there is no surviving widow widower or child then a claim on Form CA-5A may be made pursuant to § 113 in the proportions and upon the conditions and in the order as follows—to the parent or parents wholly dependent for support upon the decedent. If there is no parent wholly dependent then to a partially dependent parent or parents in equal shares with any partially dependent brother, sister, grandparent or grandchild. If one or more of the brothers sisters grandparents or grandchildren are wholly dependent and a parent or parents and other brothers sisters, grandparent or grandchildren are partially dependent

then 75 per cent will be awarded to such wholly dependent person or persons equally and the balance divided equally among such partially dependent persons. In the event there is no surviving widow, widower child or wholly dependent parent and the foregoing apportionment of such compensation would result in injustice the Bureau may, in its discretion, make such other apportionment as justice would require.

(b) The right of any surviving beneficiary referred to in paragraph (a) of this section shall be conditioned upon his being alive to receive any payment and any such beneficiary shall not have a vested right to any such payment. Claims for continuance of payments under section 5 (d) (1) of the act shall be made in like manner and governed by § 114.

(c) The entitlement of any beneficiary to payments under section 5 (d) (1) (A) to (D) of the act shall cease upon the happening of any event which would terminate such right under section 10 of the act. The termination of such right shall be governed by § 115. In the event of any reapportionment made necessary by such termination prompt notification shall be made to the Bureau in accordance with § 116.

(d) As to the disposition of any balance not paid under the foregoing paragraphs see § 117(b) "Burial Expenses".

[14 F.R. 7375 Dec 9, 1949]

§ 112 Report of death

If an injury to an employee results in death, the official superior shall immediately report that fact to the Bureau by telegraph. If a report of injury has not previously been submitted on Form CA 2, such form, together with a copy of the death certificate and a report of death on Form CA 3 provided by the Bureau for such purpose, shall be forwarded to the Bureau. If the death does not immediately follow the injury, the report on Form CA 3 should also show, on the upper half, the exact period of absence from work prior to the date and hour of death and the part of such period, if any, during which the employee's wages have accrued, or for which they will be payable to his estate on account of leave or for any other reason.

[Regulations under the United States Employees' Compensation Act June 1 1938]

§ 113 Original claims for death benefits

If the death of an employee results from an injury any person entitled to claim compensation as one of the beneficiaries enumerated in section 10 of the said act (39 Stat 744 5 U S C 760) may file a claim for compensation within the limit of time of 1 year after death prescribed in the said act Form C A 5 is provided by the Bureau for that purpose and should be executed as provided therein Such claim may be filed by delivering it at the office of the Bureau, or to any person designated by the Bureau to receive it The deceased employee's former official superior is so designated to receive such claims on behalf of the Bureau and the person claiming benefits should submit the claim to such former official superior, unless special circumstances require a different procedure The official superior should when it is practicable furnish to all persons likely to be entitled to compensation for death of an employee Form C A 5 with information as to the use of the form for making claim for compensation and the procedure in respect of filing such form, advising the Bureau of such fact The furnishing of assistance in preparing such form or in obtaining evidence relating to the claim shall be without charge by the official superior Any claim or paper purporting to claim compensation on account of death submitted to the deceased employee's former official superior shall be transmitted promptly to the Bureau No compensation shall be paid on account of death if it is not so claimed within 1 year after the death Failure to give notice of injury or file claim for compensation for disability or death within the time and in the manner described in §§ 12 14 and in this section shall not bar the claim of any person thereunder if such claim is filed within 5 years after the injury or death if the Bureau shall find (a) that such failure was due to circumstances beyond the control of the person claiming benefits or (b) that such person has shown sufficient cause or reason in explanation thereof and material prejudice to the interest of the United States has not resulted from such failure¹

(Sec 18 39 Stat 746 5 U S C 768) [13 F R 7669 Dec 10 1948]

¹ Amended July 28 1945 (c 328 59 Stat 503 5 U S C 770)

§ 114 Claims for continuance of compensation on account of death

A beneficiary to whom an award of compensation has been made on account of an employee's death pursuant to his original claim, shall submit direct to the Bureau additional claims for continuance of compensation to be filed on the first day of January and July of each year while the award continues Failure to submit such forms may result in suspension of compensation For this purpose Form C A 12 is provided by the Bureau for the use of a widow or widower, Form C A 12A is provided for use by widow and guardian of minor children, Form C A 13 is provided for the use of a guardian or other person receiving compensation on behalf of minor or incapacitated beneficiaries, Form C A 13A is provided for the use of incapacitated beneficiaries, other than widows, widowers, parents or grandparents, who are not minors and have no guardians, and Form C A 14 is provided for the use of dependent parents or grandparents

[13 F R 7669 Dec 10 1948]

§ 115 Termination of the right to compensation for death

When a beneficiary who is receiving compensation on account of death ceases to be entitled to such compensation by reason of marrying reaching the age of 18, ceasing to be dependent, or becoming capable of self-support, he or someone in his behalf shall immediately notify the Bureau of the fact If such beneficiary receives a check which includes payment of compensation for any period after the date when he ceased to be entitled to it, for any of the above reasons, he shall promptly return it to the office from which it was received

[Regulations under the United States Employees Compensation Act June 1 1938]

§ 116 Change in status of beneficiaries affecting compensation for death

When two or more beneficiaries are receiving compensation on account of the death of an employee and any event occurs which may require a reapportionment of the amount of compensation payable to one or more of them such beneficiaries, or someone on their behalf, shall promptly notify the Bureau, giving the date of the event and all essential facts Such reapportionment may become necessary when any such

beneficiary dies or marries when a child grandchild brother or sister of the decedent becomes 18 years old, or, if over 18 becomes capable of self support, or when a parent or grandparent of the decedent ceases to be dependent, or when a posthumous child of the decedent is born

[Regulations under the United States Employees Compensation Act June 1 1938]

§ 1 17 Burial expenses

(a) When the death of an employee results from an injury occurring within the time limitations prescribed in said act the Bureau may in its discretion pay reasonable burial expenses in an amount not to exceed \$400 *Provided*, That if any part of the burial expenses has been paid by another department of the Government the amount paid by the Bureau shall not exceed the difference between the amount so paid by the other department and \$400 Payment will be made to the duly appointed executor or administrator of the estate on the submission of competent evidence of his appointment as such If there is no legal representative of the estate the Bureau may upon application pay to the undertaker the amount of any burial expenses remaining unpaid not exceeding the amount payable by the Bureau, or may upon application reimburse the person who has paid such burial expenses and is entitled to such reimbursement

(b) When the death of an employee results from causes other than the injury and there is an unpaid balance of a schedule award due pursuant to section 5 (a) or 5 (b) of the act, and there is no survivor entitled to the same and no burial allowance is payable under section 11 of the act, then such amount, subject to the limitations of such section 11 and section 5 (d) (1) (E) of the act shall be paid to reimburse any person or persons equitably entitled thereto to the extent and in proportion that they shall have paid the expenses of burial of such individual

[14 FR 7375 Dec 9 1949]

§ 1 18 Embalming and transportation of bodies of deceased employees

(a) In the case of an employee whose home is within the United States, if his death resulting from an injury caused by employment occurs away from his home office or outside the United States, and if the relatives desire that the body be

embalmed and transported in a hermetically sealed casket to the home of the employee, the Bureau may upon application pay the reasonable and necessary expenses of such embalming and transportation, in addition to the allowance for burial expense

(b) When the death of an employee results from causes other than the injury and the employee is away from his home or official station for the purpose of receiving medical or other services, appliances or supplies under section 9 of the act or examination under section 21 of the act if so desired by his relatives the body shall in the discretion of the Bureau be embalmed and transported in a hermetically sealed casket to the home or last place of residence of the employee at the expense of the Employees' Compensation Fund If no request is made for the return of the body by decedent's relatives the Bureau should be notified immediately by telegram, reporting all pertinent details with request for instructions concerning arrangements for disposition of the remains

[14 FR 7376 Dec 9 1949]

§ 1 19 Overpayments by mistake

(a) Whenever by reason of an error of fact or law an overpayment has been made to an individual who is entitled to further payments, proper adjustment shall be made by decreasing subsequent payments of compensation having due regard to the probable extent of future payments the rate of compensation the financial circumstances of the individual and any other relevant factors so as to minimize any resulting hardship upon such individual In the event such individual dies before such adjustment has been completed a similar adjustment shall be made by decreasing subsequent payments if any payable under this act with respect to such individual's death

(b) Where there are no further payments due and an overpayment has been made to an individual by reason of an error of fact or law such individual, as soon as the mistake is discovered or his attention is called to the same shall refund to the Bureau any amount so paid or upon failure to make such refund the Bureau may proceed to recover the same

(c) There shall be no adjustment or recovery, under paragraphs (a) or (b) of this section, by the United States in any case where incorrect payment has

been made to an individual who is without fault and where adjustment or recovery would defeat the purpose of this act or would be against equity and good conscience

[14 F.R. 7376 Dec 9 1949]

§ 1 20 Injuries to members of the Officers' Reserve Corps, Enlisted Reserve Corps, and Naval Reserve

(a) If in time of peace any member of the Officers' Reserve Corps or of the Enlisted Reserve Corps of the Army or any member of the Naval Reserve, as included in the Naval Reserve Act of 1938, approved June 25, 1938 (52 Stat 1175, 1181 34 U S C 885c), is physically injured in the line of duty or dies as the result of such physical injury he or his beneficiaries shall be entitled to all of the benefits prescribed by law for civil employees of the United States who are physically injured in the line of duty or who die as the result thereof. The Bureau has jurisdiction in such cases and performs the same duties with reference thereto as in the cases of civil employees of the United States so injured or disabled. For the purpose of this section all members of the Officers' Reserve Corps or of the Enlisted Reserve Corps of the Army shall be considered as entitled to compensation benefits if injured in the line of duty (1) while on active duty or (2) when engaged in authorized travel to and from such duty or (3) when engaged in authorized training without pay. *Provided*, That authorized training without pay is defined as inactive-status training under written authorization by competent military authority covering a specific training assignment and prescribing a time limit. Also for the purpose of this section all members of the Naval Reserve shall be considered to be entitled to compensation benefits for injury in the line of duty while performing active military or naval service, if injured (1) while having performed active duty, with or without pay, or (2) while having performed training duty with or without pay or (3) while having performed drills, equivalent instruction or duty appropriate duty, or other prescribed duty, or (4) while having performed authorized travel to or from such duties

(b) In the cases of members of the Officers' Reserve Corps or of the Enlisted Reserve Corps of the Army, the benefits shall accrue to any such member, or to

his beneficiaries, whether the disability or death is the result of sickness or disease contracted in line of duty while on active duty, when such sickness or disease is proximately caused by the service on active duty. In no case, however, of a member of the Naval Reserve coming within the purview of this section shall sickness or disease be regarded as an injury

(c) For the purpose of determining the benefits to which a claimant may be entitled under the provisions of this section members of the Officers' Reserve Corps or of the Enlisted Reserve Corps of the Army physically injured when engaged in authorized training without pay and Naval Reservists physically injured while performing duties stated in paragraph (a) of this section and in a non-pay status will be held and considered as receiving the pay and allowances which they would have received had they been in a pay status

(d) A member of the Officers' Reserve Corps or of the Enlisted Reserve Corps of the Army may not receive the benefits under the United States Employees' Compensation Act concurrently with active duty pay or pension based upon military service, and in the event a person becomes eligible to receive the benefits under the United States Employees' Compensation Act of September 7 1916 (39 Stat 742, 50 U S C 751-793) as amended, and is also eligible for, or in receipt of, a pension based upon military service, he shall elect which benefit to receive. Reserve Officers entitled to the benefits of the last proviso of section 5 of the act of April 3 1939 (53 Stat 557, 10 U S C 369a) are not entitled to the benefits coming within the purview of this section. Any member of the Naval Reserve eligible to receive the benefits coming within the purview of this section who may also be eligible to receive a pension under the provisions of the Act of June 23 1937 (50 Stat 305), entitled 'An Act to amend the provisions of the pension laws for peace-time service to include Reserve officers and members of the Enlisted Reserves' shall elect which benefit he shall receive

(e) All provisions of this subchapter and of the United States Employees' Compensation Act of September 7, 1916, as amended, except such as may be in conflict with the provisions of this section or with section 304 of the Naval

Reserve Act of 1938, approved June 25, 1938 (52 Stat 1181, 34 U S C 855c), shall be applicable with respect to cases of members of the Naval Reserve [4 F.R. 3605 Aug 15 1939]

CROSS REFERENCE For Naval Reserve personnel regulations see 32 CFR Part 713

§ 1 21 Confidential nature of records and papers relating to injury or death of employees

(a) All records medical and other reports, statements of witnesses and other papers relating to the disability or death of a civil employee of the United States or other person entitled to compensation benefits from the United States under said act and all amendments or extensions thereof, are the official records of the Bureau and are not records of the agency, establishment or department making or having the care or use of such records. Such records and papers pertaining to any such injury or death are confidential and no official or employee of a Government establishment who has investigated or secured statements from witnesses and others pertaining to a claim for compensation, or any person having the care or use of such reports, shall disclose information from or pertaining to such records to any person except upon the written approval of the Bureau.

(b) Any person having any such record shall assume no control over same nor shall such person be vested with any discretion relative to the production of same in court as such discretion shall remain in the Bureau to whose business such records appertain. Any such person is prohibited from presenting such records or information in court, whether in answer to a subpoena duces tecum or otherwise. When a subpoena shall have been served upon such person he shall appear in court and respectfully decline to present such records or to divulge the information called for basing his refusal upon this regulation and upon the fact that such person is not the custodian of such records.

(c) Information with respect to an injury or death which may be necessary for the official purpose of any department agency or other establishment of the United States may be disclosed upon the responsibility of the official superior to see that such information will be used exclusively for such official purpose.

[Regulations under the United States Employees Compensation Act June 1 1938]

§ 1 22 Inspection of records of Bureau

An employee or his beneficiary in case of death or the agent of such employee or beneficiary, may at the discretion of the Bureau, be permitted to examine the records of the case in which he is an interested party. In any request for such permission the Bureau shall be the judge of the reasonableness thereof and may, in its discretion permit inspection of such record or part thereof which in its opinion will not result in damage or harm to the beneficiary or to any person or which will not be inimical to the interests of the Bureau or of the United States [4 F.R. 1613 Apr 14 1939]

§ 1 23 Waiver not authorized

No official superior is authorized to require an employee to enter into any agreement either before or after an injury to waive his right to claim compensation.

[Regulations under the United States Employees Compensation Act June 1 1938 Redesignated at 14 F.R. 7375 Dec 9 1949]

§ 1 24 Representation of claimants and approval of claims for legal and other services

(a) A claimant may be represented before the Bureau in any proceeding under the act by any duly authorized person. (A former member of the Employees' Compensation Appeals Board or a former Director of the Bureau shall not be considered a duly authorized person within the meaning of this section for a period of two years following termination of his services as a Board member or as Directors. The Bureau shall require satisfactory proof of the representative's authorization.)

(b) No claim for legal services or for other services rendered in respect of a case claim or award for compensation to or on account of any person shall be valid unless approved by the Bureau. Any person who receives any fee other consideration or gratuity on account of services so rendered unless such fee consideration or gratuity is approved by the Bureau or who solicits employment for himself or another in respect of any case, claim or award for compensation under (or to be brought under) this act shall be guilty of a misdemeanor and upon conviction thereof, for each offense be punished by a fine of not more than \$1 000 or by imprisonment not to exceed one year or by both such fine and imprisonment. The Bureau cannot pay

any claim so approved by it nor can it assist in the collection of any sum so approved

(c) No fee for services shall be approved except upon an application to the Bureau supported by an itemized statement of the necessary work done on behalf of a claimant. Should such statement be deemed insufficient by the Bureau, further details may be required and the Bureau may require the person for whom such services were rendered to certify to the correctness thereof. Except where it has been established that representation was to be rendered gratuitously the fee approved by the Bureau shall be reasonably commensurate with the actual necessary work performed by such representative. The Bureau will consider for approval only the necessary services performed by applicant on behalf of the claimant taking into account the capacity in which the representative has served and the circumstances of the claimant.

(d) The Bureau will not recognize any contract for the payment of an agreed sum or any contingent contract with respect to legal or other services rendered in respect of a claim or award for compensation.

[14 FR 7376 Dec 9 1949 as amended at 24 FR 1157 Feb 14 1959]

§ 1 25 Retroactive effective dates and procedures under Federal Employees' Compensation Act Amendments of 1949

(a) The amendments classifying the loss or loss of use of both hands or both arms or both feet or both legs or both eyes or the sight thereof as prima facie constituting permanent total disability is applicable to injuries sustained before October 14 1949 but only with respect to any period of disability beginning on or after the first of November 1949.

(b) The amendments apply retroactively for injuries which occurred on or after January 1 1940 involving the total loss or loss of use of an arm leg hand foot or eye or total and permanent loss of hearing of both ears or serious disfigurement of the face head or neck, on or after January 1 1940.

(c) If an employee has sustained the permanent partial loss or loss of use of an arm, leg foot, hand, eye or hearing or the total or partial loss or loss of use of any other member of the body on or after October 14 1948, he is required to

make an election as provided in section 5 of the act

(d) Whenever a disabled person is entitled to augmented compensation because he has a dependent as set forth in section 105 of the act such person may receive augmented benefits irrespective of the date of his injury. However such payments shall not commence prior to November 1 1949, see § 1 5.

(e) The amendments with respect to increasing the rate of compensation are applicable to cases of injury or death which occurred before enactment of these amendments but only with respect to any period beginning the first of November 1949.

(f) Whenever a person is entitled to compensation by virtue of the amendment broadening the scope of the term "employee" such entitlement shall apply to injuries or deaths which occurred on or after December 7 1941. *Provided, however* That no payments for medical expenses or compensation shall be payable for any period prior to November 1, 1949 and shall be limited to cases involving permanent partial or permanent total disability or death, see §§ 1 4 1 5 and 1 12 [14 FR 7376 Dec 9 1949].

PART 2—FURNISHING OF MEDICAL TREATMENT

Sec	
2 1	Medical treatment hospital service, transportation etc
2 2	Emergency medical treatment
2 3	Official authorization for treatment
2 4	Medical treatment for recurrence of disability
2 5	Medical treatment in doubtful cases
2 6	Authority for dental treatment
2 7	Medical examinations
2 8	Medical referee examination
2 9	Furnishing of orthopedic and prosthetic appliances and dental work
2 10	Recording and submission of medical reports
2 11	Submission of bills for medical services appliances and supplies
2 12	Reimbursement for medical expense transportation costs loss of wages and incidental expenses

AUTHORITY §§ 2 1 to 2 12 issued under sec 32 39 Stat 749 as amended 5 USC 783 1946 Reorg Plan No 2 § 3 3 CFR 1943-1948 Comp p 1064 60 Stat 1095 1950 Reorg Plan No 19 § 1 3 CFR 1949-53 Comp p 1010 64 Stat 1271

SOURCE §§ 2 1 to 2 12 contained in Regulations under the United States Employees Compensation Act June 1 1938 except as otherwise noted